

REMARKS

This communication is in response to the final Office Action dated April 9, 2009 and the Advisory Action mailed on June 26, 2009. Further, this Amendment is accompanied by a Request for Continued Examination (RCE).

With this Amendment, claims 1, 19, 27 and 33 have been amended and claims 5, 10, 15, 32, and 35 have been cancelled. In view of the following, reconsideration and allowance are respectfully requested.

Claim Rejections -35 USC § 103

Claims 1, 5-7, 13-18, 25-29, and 37-38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams et al. (U.S. Patent Publ. 2003/0212561 – hereinafter “Williams”). Claims 8-10, 12, 19, 21-22, 32-34, and 36 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams in view of Nakagawa et al. (U.S. Patent No. 7,424,429 – hereinafter “Nakagawa”). Claims 11, 23, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams in view of Nakagawa and Gorin et al. (U.S. Patent No. 7,003,459 – hereinafter “Gorin”). Claim 20 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams in view of Nakagawa and further in view of Aust et al. (U.S. Patent No. 5,860,059 – hereinafter “Aust”). Of these, claims 1, 19, and 27 are in independent form.

In the Advisory Action, the Examiner continues to allege that Williams discloses the combined use of VoiceXML and SALT. In particular, the Examiner continues to assert that the use of “and/or” in paragraph [0015] of Williams provides not only a basis for combining VoiceXML and SALT in an IVR system, but also a suggestion of each and every one of Applicants’ claimed features. This simply is not true and mischaracterizes the Williams disclosure. The Advisory Action itself even states that Williams “does not specifically describe in detail the combination embodiment” (see page 2, paragraph [0004] the Advisory Action). Instead, the Office Action takes the statement in paragraph [0015] of Williams (which refers to a sample group of IVR systems) and relies on the teachings of Applicants’ disclosure to discern the

“obviousness” of the claimed invention since, without Applicants’ disclosure, neither the Examiner nor one skilled in the art would attempt to combine or modify the particular teachings of Williams. Such use of hindsight is improper. In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2002)(“It is improper, in determining whether a person of ordinary skill in the art would have been led to this combination of references, simply to ‘[use] that which the inventor taught against its teacher.’”)(quoting W.L. Gore v. Garlock, Inc., 220 USPQ 303, 312-13 (Fed. Cir. 1983)). Accordingly, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness against the claims, and requests that the rejections be withdrawn.

Nevertheless, in the spirit of furthering prosecution Applicant has amended each of independent claims 1, 19 and 27 to further distinguish the claimed subject matter from the cited Williams reference. Even if the Williams reference is misconstrued to suggest combining VoiceXML and SALT programming, Williams clearly does not teach or even suggest the particular features of the amended independent claims.

For example, with respect to amended independent claim 1, Williams does not teach or suggest that a VoiceXML module declares a first field and a second field and a SALT module comprises tags embedded within the VoiceXML module and including a temporal trigger that initializes a speech recognition event having a plurality of associated grammars to obtain a recognition result from the user to complete the first field and a second field declared by the VoiceXML module. Williams only mentions that VoiceXML and SALT are programming languages used in IVR systems and does not teach or suggest that a VoiceXML module executes instructions for processing events in a dialog where a SALT module associates different portions of a recognition result with different grammars for completing fields declared by the VoiceXML module. Further yet, Williams also does not teach or suggest that an execution algorithm of a VoiceXML module automatically invokes a temporal trigger of a SALT module for initializing the speech recognition result when an object of the SALT module is encountered and the execution algorithm automatically advances to a subsequent instruction in the defined order after completion of the speech recognition event initialized by the temporal trigger as claimed.

Applicant notes that support for the amendments to claim 1 can be found in the specification, in one instance, with respect to FIGS. 7-10 and pages 22-25.

With regard to independent claim 19, claim 19 has been amended to recite “the form interpretation algorithm controlling prompting events in a dialog flow” and the SALT module having tags to execute a speech recognition event associated with at least one prompting event controlled by a form interpretation algorithm instantiated by the VoiceXML module. Williams does not teach or suggest that a VoiceXML module declares VoiceXML fields and a SALT module initializes a speech recognition event to obtain speech input from a user to fill the VoiceXML fields declared by the VoiceXML module. Further yet, Williams also does not teach or suggest that a form interpretation algorithm of a VoiceXML module automatically invokes an object of a SALT module for initializing a speech recognition event when a tag of the SALT module is encountered and a subsequent instruction in the defined order is automatically advanced to after completion of the speech recognition event. Applicant notes that support for the amendments to claim 19 can be found in the specification, in one instance, with respect to FIGS. 7-10 and pages 22-25.

With regard to independent claim 27, Applicant respectfully submit that the Williams references at least does not teach or suggest establishing a stepwise dialog embodied in a VoiceXML module that declares first and second fields to be filled with portions of an input from a user and performing an object oriented operation embodied in a SALT module upon receiving a user input where the operation initializes a recognition event to associate a speech portion of the user input with the first field and a dual-tone multi-frequency (DTMF) portion of the user input with the second field. Applicant submits that support for the amendments to claim 27 can be found in the specification, in one instance, with respect to FIGS. 9-11 and pages 24-25.

For at least the above reasons, Applicant respectfully submits that each of independent claims 1, 19, and 27 are neither taught nor suggested by the cited references and are in allowable form. Further, Applicant respectfully submits that related dependent claims 6-9, 11-14, 16-18, 20-26, 28, 29, 33, 34, and 36-38 are also in allowable form at least based on their relation to claims 1, 19, and 27, discussed above.

Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

MICROSOFT CORPORATION

By: Christopher J. Volkmann/
Christopher J. Volkmann,, Reg. No. 60,349
One Microsoft Way
Redmond, WA
Phone: (425) 707-9382

CJV/abs